



37389

PATENT DOCKET NO. 28122.89  
CUSTOMER NO. 000027683

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Haynes and Boone, LLP et al.

Serial No: 09/864,510

Group Art Unit: 3738

Filed: May 24, 2001

Examiner: Unknown

For: VENTRICULAR RESTORATION SHAPING APPARATUS AND METHOD OF USE

Commissioner For Patents  
Washington, D.C. 20231

Sir:

Enclosed for filing is a Preliminary Amendment in the above-identified application.

- [XX] Small entity status of this application has been established by a previously submitted verified statement under 37 C.F.R. §§ 1.9 and 1.27.  
[ ] A verified statement to establish small entity status under 37 C.F.R. § 1.9 and § 1.27 is enclosed.  
[ ] No additional fee is required.


The fee has been calculated as shown below:

						OTHER THAN A SMALL ENTITY			
<u>(Col. 1)</u>		<u>(Col. 2)</u>		<u>(Col. 3)</u>	<u>SMALL ENTITY</u>				
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDIT. FEE	<u>OR</u>	RATE	ADDIT. FEE
TOTAL	34	minus	28	= 6	x 9	<u>\$ 54.00</u>	OR	x 18	\$ _____
INDEP	4	minus	3	= 1	x 42	<u>\$ 42.00</u>	OR	x 80	\$ _____
[ ]	FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				+135	<u>\$ _____</u>	OR	+270	\$ _____
					TOTAL	<u>\$ 96.00</u>	OR	TOTAL	\$ _____

- \* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.  
\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.  
\*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.  
The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.

- [ ] Please charge Deposit Account No. [08-1394 H&B] in the amount of \$ \_\_\_\_\_.  
[XX] A check in the amount of \$96.00 is attached.  
[XX] The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. [08-1394 H&B].  
[X] Any additional filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims.  
[X] Any patent application processing fees under 37 C.F.R. § 1.17.  
[X] A copy of this sheet is enclosed.

Respectfully submitted,

  
Bill R. Naifeh  
Registration No. 44,962

Date: 1/18/2002  
HAYNES AND BOONE, LLP  
901 Main Street, Suite 3100  
Dallas, TX 75202-3789  
Phone: 214/651-5706  
File: 28122.89

D-979970.1

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, Washington, D.C. 20231

on 1-18-02  
Mary Lou Cooper